

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1528 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

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DHIRAJLAL DAMODARDAS

FOR DHARMENDRA DHIRAJLAL

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

Mr.M.R. Anand, PUBLIC PROSECUTOR, with

Mr.L.R. Pujari, Addl. P.P., for Respondent No. 1

CORAM : THE CHIEF JUSTICE G.D.KAMAT

Date of decision: 09/12/96

ORAL JUDGEMENT

Rule. By consent, to be heard forthwith.

Dharmendra Dhirajlal was sentenced under Section 376 of the Indian Penal Code by the Additional Sessions Judge, Ahmedabad on 23rd June, 1995. In Appeal, the High Court reduced the sentence from seven years to two years. A statement has been made that the petitioner has already undergone sentence nearly of two years and is likely to be released in time soon hereafter.

By the present petition, his father applies for furlough on the ground that his son Dharmendra is entitled to enjoy furlough in accordance with the Rules. However, Mrs. Patel made a statement before this Court that as Dharmendra's substantive sentence is likely to come to an end within a few days, furlough is not being pressed and a direction may be given to the Jail Authorities to add remission instead in favour of prisoner Dharmendra. The learned Additional Public Prosecutor has no objection to such a course being

adopted by the Jail Authorities. Accordingly, respondent No.3 is directed to consider, in the first place, whether Dharmendra is entitled for furlough and if he is so entitled, since he is not claiming for his release on furlough, the same be added by way of remission to his remission record in accordance with the Rules. Rule is accordingly made absolute, as indicated.

(apj)